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DISTRICT COURT OF
ST. LOUIS COUNTY

2014 FEB 27 PM 12:08

JOAN M. GILMER
CIRCUIT CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

DOUGLAS PHILLIP BRUST DC PC,

)

)

Plaintiff,

)

Cause No. _____

v.

)

State Cause No.: 14SL-CC00044

)

OLYMPIC REHAB WELLNESS AND PAIN

)

CENTER PC,

)

)

Defendant.

)

NOTICE OF REMOVAL

Comes now Defendant, Olympic Rehab Wellness and Pain Center PC, and hereby files this Notice of Removal of the above-styled cause to the United States District Court for the Eastern District of Missouri, Eastern Division, and for its grounds, respectfully states as follows:

1. On or about January 23, 2014, Plaintiff filed a Class Action Petition in the Circuit Court of St. Louis County, Missouri, seeking, *inter alia*, to certify a class of plaintiffs under the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the "TCPA").

2. This Honorable Court has federal question jurisdiction over TCPA cases under 28 U.S.C. § 1331. Mims v. Arrow Fin. Servs., LLC, 565 U.S. ____ (Docket No. 10-1195), 132 S.Ct. 740, 745 (2012), overruling Mims v. Arrow Fin. Servs., LLC, 421 F. Appx. 920, 921 (11th Cir.2010).

3. This Notice of Removal has been filed within thirty (30) days after receipt by Defendant of a copy of Plaintiff's initial pleadings setting forth the claim for relief upon which said action is based. Therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

4. Defendant files herewith a copy of all process, pleadings and orders relevant hereto. The complete state court file is filed as an attachment to this Notice of Removal.

WHEREFORE, Defendant Olympic Rehab Wellness and Pain Center PC, prays that an Order be entered herein, causing cause No. 14SL-CC00044 of the Circuit Court of St. Louis County, Missouri, to be removed to this court for further proceedings, and that this Court take jurisdiction herein and make such further orders as may be proper under the circumstances.

Jessie Hines
Circuit Clerk

Kathleen M. Cody
Deputy Circuit Clerk
(acknowledged)

/s/ Natalia D. McKinstry

Natalia D. McKinstry

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Natalia McKinstry LLC,

Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing was served by first class mail, postage pre-paid, this 27th day of February, 2014, to Mr. Max Margulis, Margulis Law Group, 28 Old Belle Monte Road, Chesterfield, MO 63017.

/s/ Natalia D. McKinstry

Natalia D. McKinstry